

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

MISSISSIPPI STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
THOMAS PLUNKETT, ROD WOULLARD,  
and HOLLIS WATKINS, on behalf of  
themselves and others similarly situated,

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:11cv159-TSL-EGJ-LG-MTP

HALEY BARBOUR, in his official capacity  
as Governor of the State of Mississippi,  
JIM HOOD, in his official capacity as  
Attorney General of the State of Mississippi,  
and DELBERT HOSEMANN, in his official  
capacity as Secretary of State of the State  
of Mississippi, as members of the State  
Board of Election Commissioners; THE  
MISSISSIPPI REPUBLICAN PARTY  
EXECUTIVE COMMITTEE; THE  
MISSISSIPPI DEMOCRATIC PARTY  
EXECUTIVE COMMITTEE; and CONNIE  
COCHRAN, in her official Capacity as  
Chairman of the Hinds County, Mississippi  
Board of Election Commissioners, on behalf of  
herself and all others similarly situated,

DEFENDANTS

and

APPORTIONMENT AND ELECTIONS COMMITTEE  
OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES;  
MISSISSIPPI STATE SENATE DEMOCRATIC CAUCUS  
AND STATE DEMOCRATIC SENATORS, in their  
individual capacities; TERRY C. BURTON, SIDNEY  
BONDURANT, BECKY CURRIE, and MARY ANN  
STEVENS,

INTERVENORS

ORDER AND NOTICE

After consideration of the pleadings and the various positions of the multiple parties, notice is hereby given that if the Mississippi Legislature fails to enact and obtain preclearance for a legislative redistricting plan before June 1, 2011, this Court is inclined to issue an order that the redistricting plans adopted respectively by the House of Representatives and the Senate during the regular 2011 session (“the 2011 Plans”), shall be adopted as the interim court-ordered plan for use in the 2011 elections. This proposed interim remedy appears to be necessary in the light of the acknowledgment of all parties that the existing state legislative districts are unconstitutionally malapportioned, and because of the exigent circumstances of this case, including the June 1, 2011 deadline for candidates to qualify to run for office in the Mississippi House of Representatives and the Mississippi Senate. Reasons for such decision as the court shall reach shall be filed following a hearing to be conducted before this three-judge court on Tuesday, May 10, 2011, at 9:00 a.m. At that hearing, the respective parties, through counsel, may present their views, comments, and objections to this proposed remedy. If the parties have evidence that they wish to present, they must detail, in specific terms, such evidence, the relevance of such evidence, and specifically the points they intend to establish, all in a written document filed with this court on or before May 5, 2011.

We reiterate that we are inclined to issue an interim remedy only, not a permanent one, and that, under such circumstances, the 2011 Plans would be used only for the 2011 elections. After the 2011 elections have been conducted, the 2011 Plans would not be used again for any other election, unless and until, either they are enacted in accordance with State law and

precleared pursuant to Section 5 of the Voting Rights Act, or they are adopted as part of a permanent injunctive remedy in some future order of this Court after a full trial on the merits has been conducted.

This Court proposes to retain jurisdiction of this case to order further appropriate relief, upon motion of any party, following completion of the process for redistricting of the Mississippi Legislature prescribed by Article 13, Section 254 of the Mississippi Constitution.

This 29th day of April, 2011.

/s/ E. Grady Jolly

E. Grady Jolly

United States Circuit Judge

/s/ Tom S. Lee

Tom S. Lee

United States District Judge

/s/ Louis Guirola, Jr.

Louis Guirola, Jr.

Chief United States District Judge